

Docket No.: 1173-1049PUS5  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Brian R. MURPHY et al.

Application No.: 10/722,000

Confirmation No.: 6530

Filed: November 25, 2003

Art Unit: 1648

For: PRODUCTION OF ATTENUATED  
RESPIRATORY SYNCYTIAL VIRUS  
VACCINES FROM CLONED NUCLEOTIDE  
SEQUENCES

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Examiner: Z. Lucas

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

MS AF Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application has been unintentionally abandoned as a result of failure of the Applicant to respond to a Notice of Non-Compliant Amendment mailed January 1, 2007. Applicants have filed concurrently herewith a Petition to Revive An Unintentionally Abandoned Application.

Applicants note that the Amendment responsive to the Final Office Action of September 24, 2007 was deemed non-compliant in that the claim status identifier for claim 65 was not correct. Applicants submit with this letter a compliant Amendment correcting this status identifier.

Furthermore, Applicants note that the Notice of Non-Compliant Amendment, and the subsequent Notice of Abandonment due to failure to respond to that Notice, was sent to the firm

of Graybeal, Jackson, Healy, the prior attorneys of record, rather than to the undersigned Customer No. 33883 (see the Power of Attorney filed October 31, 2007). Thus, Applicants are also herewith filing another Power of Attorney and Change of Correspondence Address form and Statement Under 37 CFR 3.73(b). The Office is respectfully requested to promptly change the customer number for this file to 33883 and the correspondence address accordingly.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 24, 2008

Respectfully submitted,

By Mark J. Nuell  
Mark J. Nuell  
Registration No.: 36,623  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
12770 High Bluff Drive, Suite 260  
San Diego, California 92130  
(858) 792-8855  
Attorney for Applicants